

FILED

8/18/2015

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

JUL 30 2015 EAA
7-30-15
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Dennis Harris

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: Case No. 15-05040
(To be supplied by the Clerk of this Court)
Judge Marvin E. Aspen

c/o Shaw
Terry Williams
Michael Magana
Michael Lemke
Kevin Senore (LKS) Wardens designee
Robadeau placement officer
Lieutenant Dumas
Lieutenant Jacobs

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

AMENDED COMPLAINT

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

D. Michael Limke
chief Administrative officer (Warden)
Stateville CC (I.D.O.C.)

E. Kevin Senor
Warden's Designee
Stateville CC (I.D.O.C.)

F. Lt. Dumas
7-3 shift Edward House Lieutenant
Stateville CC I.D.O.C.

G. Lt. Jacobs
3-11 shift Edward House Lieutenant
Stateville CC (I.D.O.C.)

H. Ms. Rabadeau
Placement officer
Stateville Corr Cent. (I.D.O.C.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: N/A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A
- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

The defendants in the complaint have had a knowing disregard of an excessive risk to my health and well-being and failed to protect me while I was a prisoner in their custody and care. At all times relevant in this complaint they acted under ^{the} color of State law at Stateville Corr. Cent.

On 1/9/14 I was interviewed by defendant C/O Shaw who is an Internal Affairs/Long Intel officer with Stateville CC where I resided from 2012-2015. The interview was about the alleged assault of a prisoner on 1-7-14. Allegedly this prisoner was assaulted by one or more assailants in the E-House Shower. While I was being interviewed Internal Affairs officer Shaw did not protect my identity or the sensitive nature of the interview. I was seen by several inmates while I was in the Internal Affairs office's door ^{was open while} ~~and I was~~ I was being questioned. I was also the only ^{person} ~~person~~ called off the gallery on the 9th of January 2014 where ~~II~~ and the prisoner ^{Keying} ~~allegedly~~ assaulted on the 7th of Jan. 2014 ~~at~~ Resided. When ~~keying~~ ^{Keying} me out the C/O stated Shaw want to talk at you about

dude that got assaulted in the Shower the other day I stated all of my concerns to defendant Shaw about the P/O's statement and the way in which the whole process of the interview was conducted. I told him I feared for my safety because he had made me look like a SNITCH. I asked Shaw to have me moved out of E-House or at least off E-House 7 gallery to protect me from harm or any type of repercussion. He assured me I'd be okay and did nothing. He wouldn't even relay my concerns to the Placement Officer per my Request.

Between 1/9/14 and 2/16/14 I received several threats from anonymous prisoners just for going to Internal Affairs. On 1/3/14 I wrote letters to defendant Shaw, and Mr. Rabadani of Stateville CC Placement office and The Warden of Stateville. In each letter I simply asked to be moved off of E-House 7 Gallery. The letters were never responded to. Defendant LKS (Kevin Senior) who is the Warden's designee, did not consider the grievance I wrote on 2-1-14 an emergency even though my life was clearly in danger and defendant LKS "Kevin Senior" didn't even respond to the grievance until 3-10-14, approximately 38 days after it was written. The grievance detailed the allegations in this Complaint. When the Grievance wasn't answered within 72 hr.

I wrote letters to ~~defendants~~ Shaw, The Warden of stateville CC and ~~Ms. Rabadeau~~ ~~Stateville CC~~ Stateville CC Placement Officer.

I requested placement in protective custody ^{in each} letter. They were never responded to.

As a result of the defendants failure to protect me I was assaulted on 2/16/14 and my jaw was broken in ~~Several~~ Several Places Severely on the right side of my face (Head). The Assailant Stated Punkass snitch: right before I was Struck and Knocked unconscious. I have been also Subjected to emotional Distress, Blurred Vision, and headaches, My Speech Now Sometimes ~~is~~ slurs and I Can no longer Open my Mouth as I once ~~use~~ ^{use} to. I have permanent disability. I also use to be an excellent Singer which is something I wished to Pursue upon my release from Ill. Dept. of Corr., but since my Jaw was broken I can no longer do that.

It must be emphasized, without being redundant, that the Defendants in this complaint were specifically aware; through letter, Conversations, and ^{the} Grievance procedure, that I had been labeled a snitch and Some ~~who'd~~ ^{who'd} informed on individuals who'd Participated in a 1/7/14 assault on an individual in the E-House Shower. Although I'd never Informed on any individual and was completely without knowledge of specific detail regarding the 1/7/14 incident I was falsely accused of being a Snitch and my life was threatened because of it. The assaulting of myself was directly related to being labeled a snitch regarding 1/7/14 incident. End

Under the penalty of perjury I Kevin Birde-B28731, swear that I prepared this 1983 proposed amended Complaint for review by the Court for Mr Dennis Harris N-66154 per his request and with his approval due to his inability to understand and litigate Legal Matters Such as this He is on psychotropic Meds which affect his Coherency and distress at times. He is in dire need of Probono assistance

This court may better ascertain who I am as I am a litigant and/or the Plaintiff in Birde v. Gomez 13C6824, Birde v. Johnson 13C5507 and Birde v. Urbansky 12C9219. The former are open cases before the ND Ill Judge Robert Blaney and the latter is on appeal with the 7th Circuit 14-1157 284SC

1/9 K 7-24-15

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Compensatory, Punitive; Emotional Distress in the
amount of 500,000.00 each. Any other relief deemed
necessary by the Court.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this July day of 24th, 20 15

Mr. Dennis Harris
 (Signature of plaintiff or plaintiffs)

Mr. Dennis Harris
 (Print name)

N-66154
 (I.D. Number)

LAWRENCE CORR. CENT

10930 LAWRENCE RD

SUMNER, IL 62466
 (Address)

IN THE

Mr. Dennis Harris
Plaintiff/Petitioner

Vs.

% SHAW, et al
Defendant/Respondent

No. 15 cv 5040

Judge Marvin E. Aspen

PROOF/CERTIFICATE OF SERVICE

TO: Clerk of The Court
Hon. Thomas H. BRUTON
Clerk of U.S. District
Court

TO: Judge Marvin E. Aspen
U.S. Dist Court Judge

PLEASE TAKE NOTICE that on July 26th, 20 15, I placed the attached or enclosed documents in the institutional mail at LAWRENCE Corr. Cent. Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service.

DATED: 7-24-15

1/s/ Mr. Dennis Harris
NAME: Dennis Harris
I.D.O.C.#: N-66154
LAWRENCE Correctional Center
62466
Summer, IL 62466

Subscribed and sworn to before me this 24th day of July, 20 15.

Kimberly A. Ulrich
Notary Public



Plaintiff Adds An Addendum to Add 2 Additional Defendants

Lt. Dumas and Lt. Jacobs had a knowing disregard of excessive risk to my health and well-being and failed to protect me while I was a prisoner in their custody and care. At all times relevant in this Complaint they acted under the color of State law at Stateville Corr. Cent.

Between 1/9/14 and 2/16/14 I spoke with Lieutenant Dumas and Lieutenant Jacobs about fearing for my safety after being labeled a snitch as alleged in pages 4-5.2 Specifically but not limited to I spoke with Lt Dumas on 1/25/14 and 2/14/14 and Lt. Jacobs on around about 2/15/14. I related my fears to each I was directed by them to write and seek out assistance from the Placement Officer, C/O Shaw and the Stateville CC warden. I followed their instructions as alleged in this Complaint. However, these above named defendants had a duty to protect me from harm and were specifically aware of the ~~HARM~~ I feared. Each told me 'These guys are just woofing (Make idle threats) and did nothing substantial to protect me even when I asked to be placed in protective custody. As a result of their failures my right jaw was severely broken as alleged in pages 5-5.2 of this Complaint.

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AUG 13 2015 EAA
8-13-15
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT